

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

John D. West, on Behalf of Himself and)	
All Other Persons Similarly Situated,)	
Plaintiffs,)	Case No. 1:02-CV-0001
)	
v.)	
)	
AK Steel Corp. Retirement Accumulation)	District Judge Sandra S. Beckwith
Pension Plan,)	
– and –)	
AK Steel Corporation Benefit Plans)	Magistrate Judge Timothy S. Black
Administrative Committee)	
Defendants.)	

**DECLARATION OF CLASS COUNSEL ATTESTING TO COMPLIANCE
WITH THE COURT’S ORDERS REGARDING THE DISSEMINATION OF THE
ADDITIONAL NOTICE TO 92 EXCLUDED INDIVIDUALS**

Thomas R. Theado, Class Counsel, hereby declares as follows:

1. In its Order entered on July 25, 2005 (Doc. No. 119), the Court decided that 92 class members, who had signed general releases in exchange for severance benefits at the time of their termination from employment, should be excluded from this class action. In that Order, the Court further decided that a separate notice should be issued to those 92 individuals, discussed the content of the additional notice, and directed the parties to submit a draft of such notice
2. The parties jointly submitted a draft of the additional notice on August 24, 2005. (Doc. No. 124.)

3. In its Order entered on August 30, 2005 (Doc. No. 126), the Court promulgated the text of the additional notice, and directed Class Counsel to send such additional notice by regular first-class U.S. mail to each of the 92 individuals.

4. The additional notice, in pertinent part, provided that “[a]ctuarial consultants retained by the parties have estimated that, if you were to prevail on an individual claim, you would likely be entitled to additional retirement benefits that have a present value ranging from ____ to ____.” Counsel for the parties conferred, and over the course of a number of days determined the 92 individual ranges of present values to be included in the additional notices.

5. Pursuant to the Court’s Order of August 30, 2005 (Doc. No. 126), I caused the aforesaid additional notices to be deposited into the United States mail system on September 19, 2005, for delivery by first-class mail to the 92 individuals who were affected by the Court’s Order of July 25, 2005 (Doc. No. 119), as were identified in Exhibit 38 of Defendants’ Summary Judgment Appendix Volume III (Doc. No. 76). Each such additional notice contained the text as provided by the Court’s Order of August 30, 2005 (Doc. No. 126), with the range of present values, as determined by the parties’ counsel to be proper for each individual, inserted into each such notice. Said notices were mailed to the addresses for the 92 individuals as previously were provided by Defendants to Class Counsel, corrected by whatever subsequent changes may have been provided Class Counsel by the U.S. Postal Service, the individuals themselves, or otherwise.

Respectfully submitted,

s/ Thomas R. Theado
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CERTIFICATE OF SERVICE

I hereby certify that on September 20, 2005, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

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